

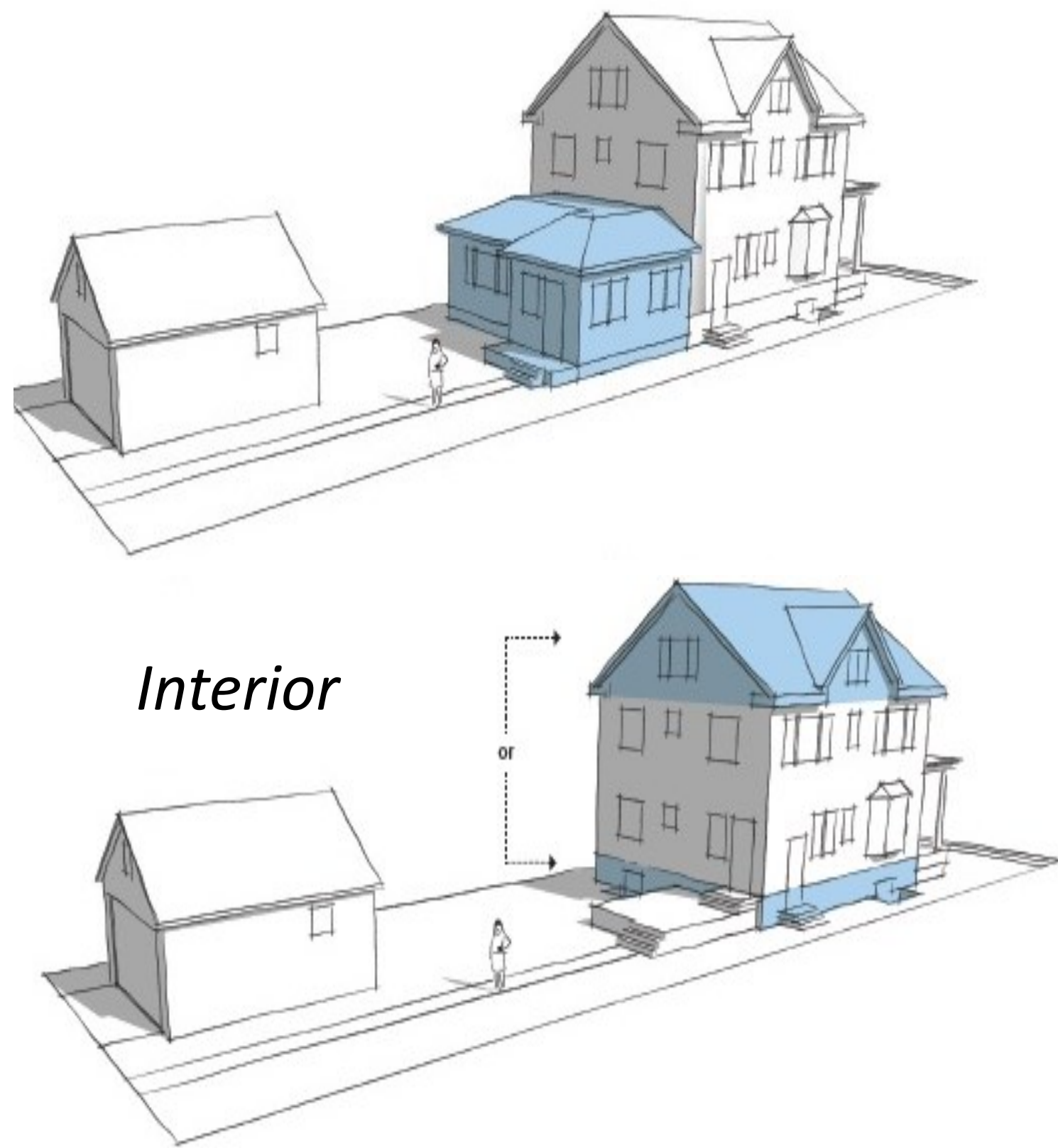
# Accessory Dwelling Units (ADUs)



## What are Accessory Dwelling Units (ADUs)?

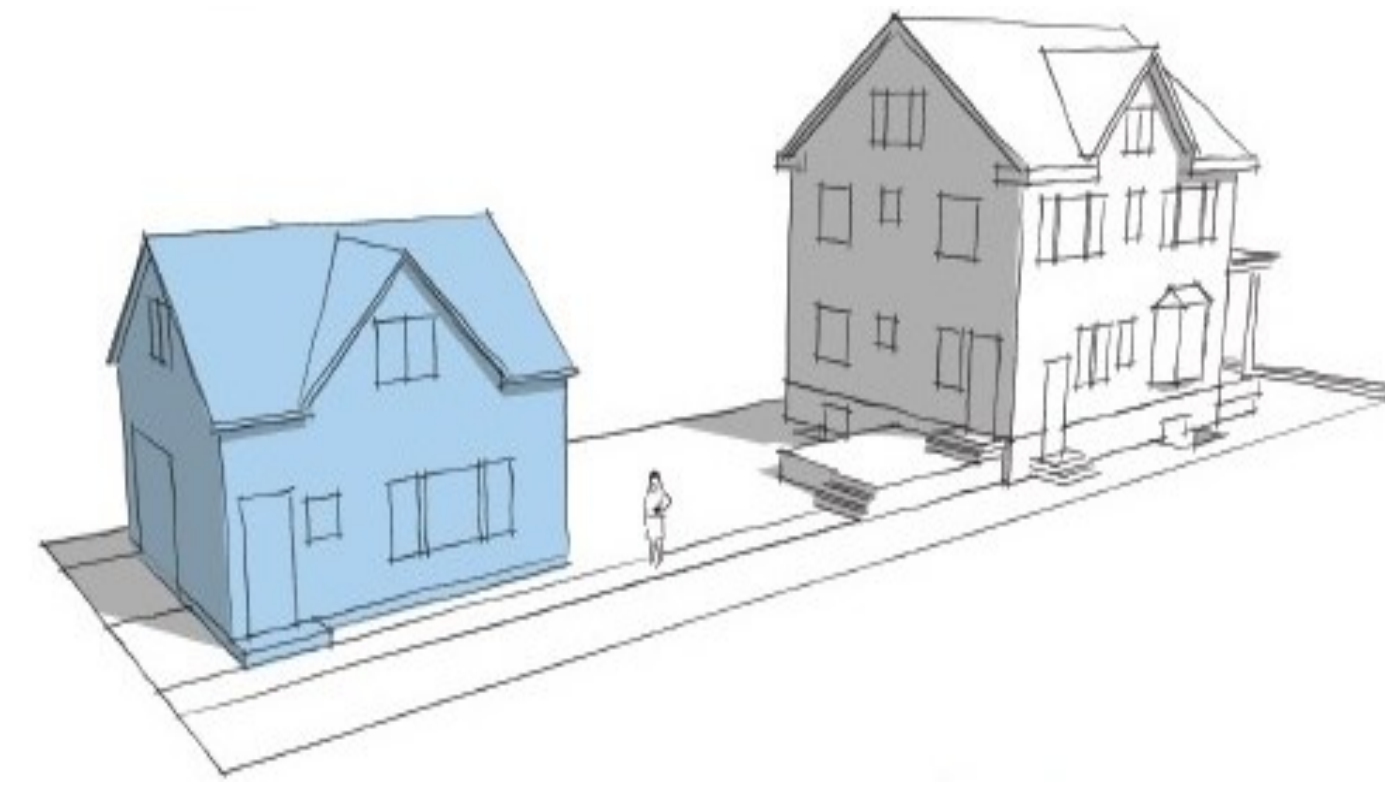
In Durham's Unified Development Ordinance (UDO), an ADU is a dwelling that exists as part of ("attached"), or separate from ("detached"), a principal dwelling on the same lot and is smaller in size to the principal dwelling. Other common names include carriage houses, mother-in-law suites, granny flats, or backyard cottages.

### Attached (examples)



Example "Attached" ADU

### Detached



Example "Detached" single-story ADUs



Example "Detached" above-garage ADUs

## Opportunities and Challenges

- ADUs are already allowed throughout Durham on any lot with a single dwelling unit
- ADUs offer a grass roots approach to increasing the supply and variety of housing
- ADUs introduces a discreet form of density into existing neighborhoods
- ADUs can be a wealth-building or stabilizing opportunity to collect rental income stream
- ADUs can provide options for multi-generational families or provide a continuum of care for family members as needs change over time
- Current size regulations both penalize small principal structures, but could also allow for very large ADUs depending upon the size of the primary structure
- Loans and other forms of financing are uncommon for ADUs, and especially hard to acquire without equity and excellent credit
- Although allowed by right, ADUs can be expensive and difficult to build due to design, permitting, and building process
- HOA rules and other restrictive covenants may limit where they can be built
- Additional neighborhood parking congestion and reduced tree cover can result from additional ADU construction



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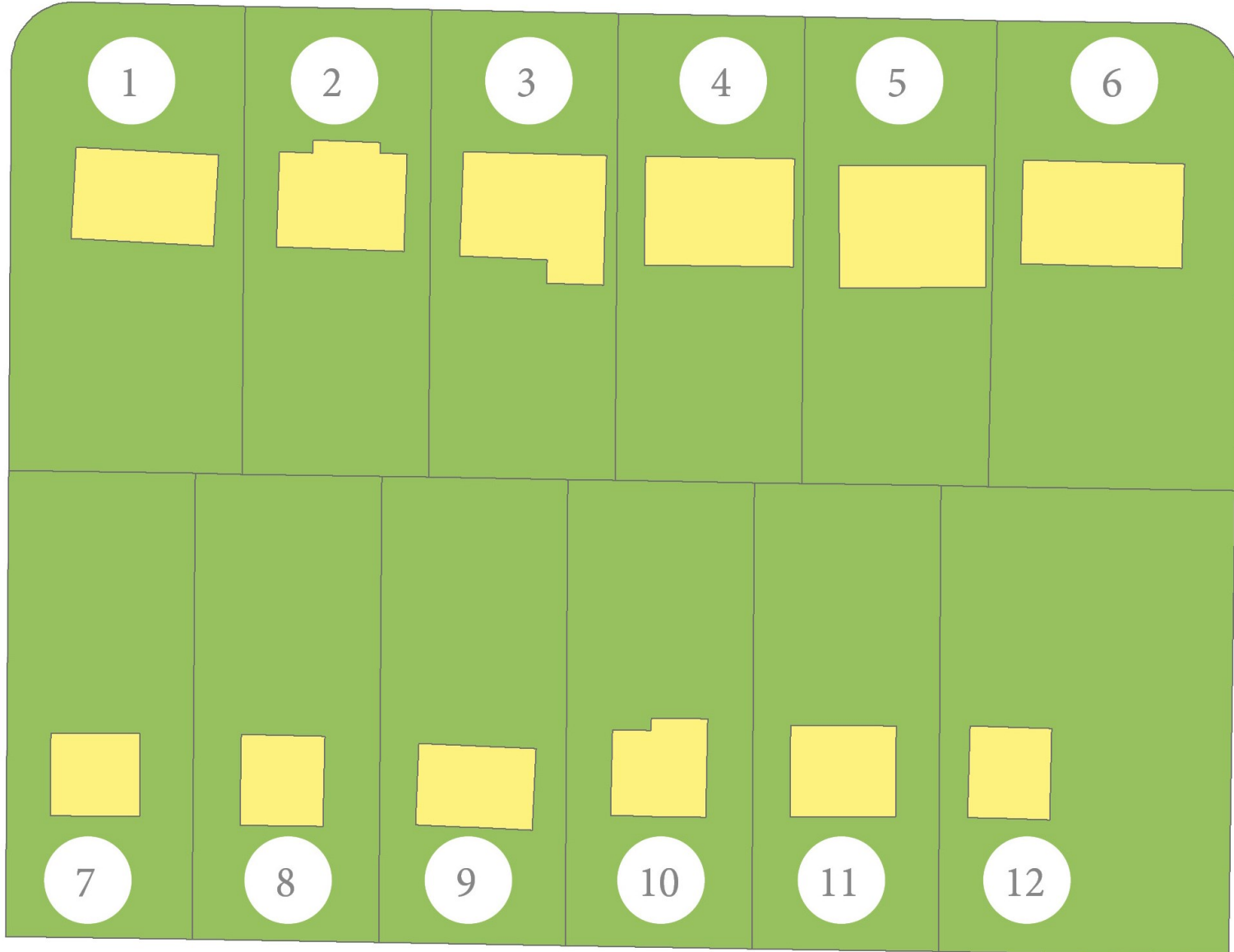
## Summary of Current and Proposed Zoning Regulations

### Size of ADU Flexibility for Small Principal Houses and Limiting the Size of ADUs to Promote Context Sensitivity

**Current Rule** Allowable square footage (SF) of the ADU is capped at 30 percent of the principal dwelling

**Proposal** Increase the allowable size (square footage) of the ADU to a maximum of 800 square feet.

- Rationale**
- Current rules make it difficult for small principal dwellings to create a livable accessory dwelling unit
  - Creating a maximum size (800 square feet) can help to promote more discreet density in which context sensitivity is considered
  - Knowledge of the primary structure’s size will not be necessary.



The current 30% cap limits many small principal homes to an ADU of less than 400 SF (shown in red).

Allowing the square footage of an ADU to be up to 800 square feet is intended to ensure the scale of ADUs is still subordinate to the primary dwelling, while allowing for a larger, and often more functional, living space than would currently be allowed.

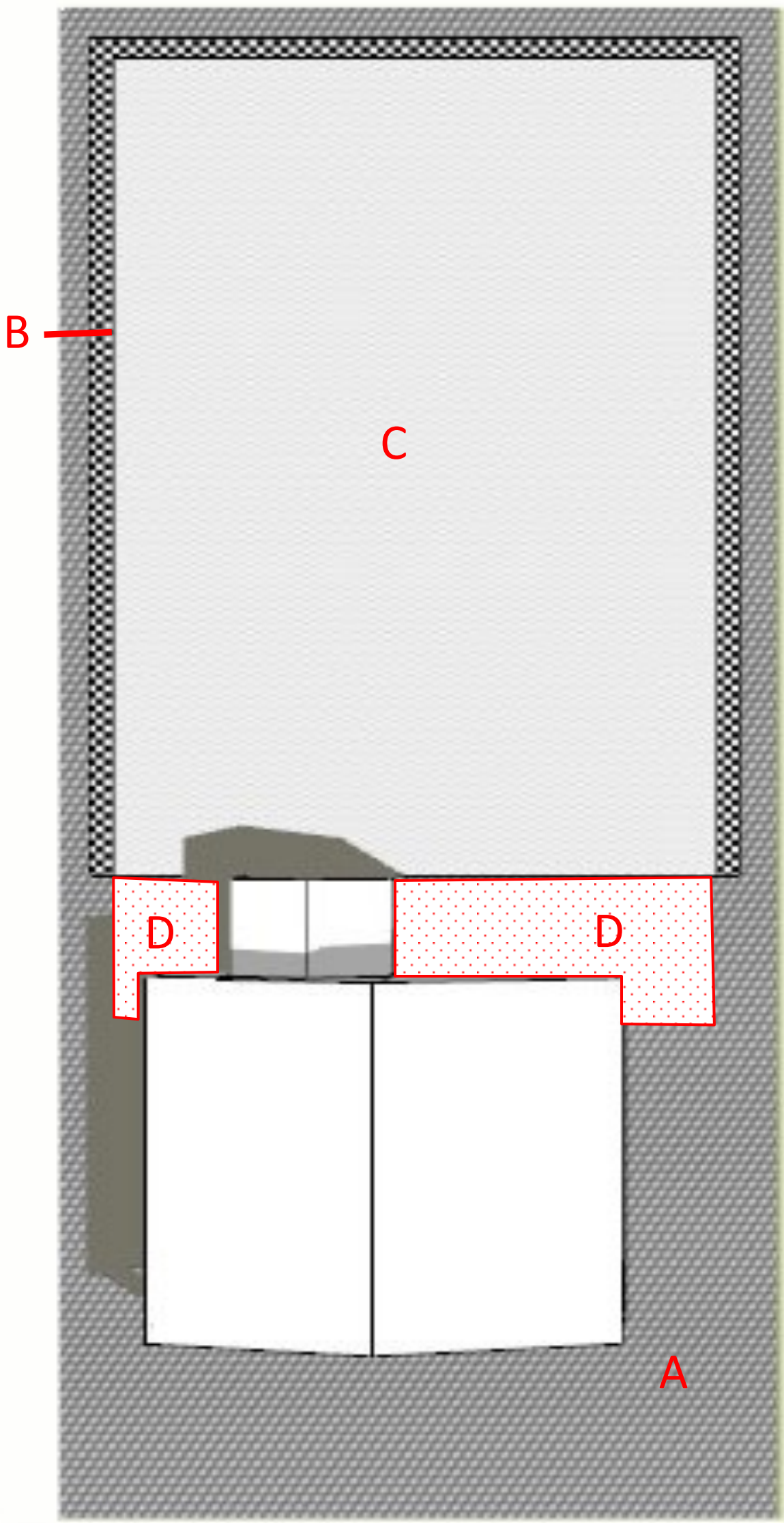
	Principal Dwelling SF	ADU SF (Current 30% Rule)	ADU SF (Proposed Rule)
1	1,204	361	800
2	1,092	327	800
3	2,030	609	800
4	1,176	352	800
5	2,178	653	800
6	1,222	366	800
7	1,248	374	800
8	1,352	405	800
9	1,080	324	800
10	1,472	441	800
11	1,440	432	800
12	1,352	405	800

### Height & Placement

- Current Rule**
- Attached ADUs follow principal dwelling setback and height standards per the housing type and zoning district.
  - Detached ADUs follow accessory structure setback and height standards per the Tier . See example to the right.
  - An ADU can only be placed on a lot with one primary dwelling unit (house or townhouse).
  - ADUs are not allowed on legal non-conforming lots.

- Proposal**
- Maintain current height allowance applied to any accessory structure.
  - Expand the area where accessory structures are placed (including detached ADUs) to allow limited placement to the side of the primary structure (the back 1/4 of the primary structure) while maintaining side yard requirements.
  - Allow one ADU on a duplex lot.
  - Delete the prohibition on legal non-conforming lots.

- Rationale**
- The additional placement flexibility can take advantage of wider lots, while maintaining side yards and a further setback than the primary structure.
  - Placement on a duplex lot also expands ADU opportunities while remaining subordinate to the primary structure.
  - There is no necessary correlation between a conforming lot size and establishing an ADU - the dimensional requirements apply no matter the size of the lot. New houses and accessory structures are already allowed on most legal non-conforming lots.



- A** No build zone.
- Accessory structures in RU and RC districts must be set back at least 3 feet from the side and rear property lines.
  - In RS districts, the structure must be setback at least 5 feet from the side and rear property lines.
  - Except for RS-20 and RR districts, the structure must be placed to the rear of primary structure.
- B**
- In RU and RC districts, height is limited to 25 feet when within 5 feet of the property line
  - In RS districts, height is limited to 15 feet when within 10 feet of the property line.
- C** The structure is limited to the base zoning height limits (35 feet in most instances).
- D** **Proposed:** Additional, limited area for a detached ADU to the side of the primary structure (along the rear 1/4 of the primary structure).

### Additional Regulations

- Current: No additional parking is required for an accessory dwelling. **No change is proposed, although text will be added to be more explicit.**
- Current: Only one accessory dwelling is permitted per lot. **No change is proposed.**
- Current: Prohibition on RVs. **No change is proposed.**
- Current: ADUs must meet current standards for accessory structures.  
**Proposed:** Allow an existing legal nonconforming accessory structure to be converted partially or wholly into an ADU.  
**Rationale:** Use as an ADU is the only accessory structure limitation (it can be used for any other allowed accessory uses). Removing this limitation expands opportunities for ADUs.